

WJ

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America,

v.
Plaintiff,
LARRY O'NEIL WALKER, II

Case:2:13-mj-30726
Judge: Unassigned,
Filed: 11-08-2013 At 11:02 AM
RE: LARRY O'NEIL WALKER, II (E
OB)

Defendant(s).

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about the date(s) of November 6, 2013, in the county of Oakland
in the Eastern District of Michigan, the defendant(s) violated:

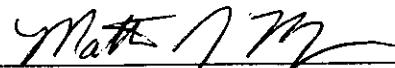
Code Section
18 USC Section 111(a) and (b)

Offense Description
Felonious Assault on a Federal Officer

This criminal complaint is based on these facts:

F I L E D
NOV 12 2013
U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
COMMERCIAL FRAUD SECTION
BY [redacted]

Continued on the attached sheet.

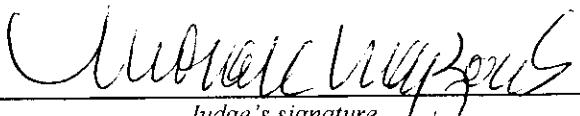

Complainant's signature

Special Agent Matthew Krupa, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: November 8, 2013


Judge's signature

City and state: Detroit, Michigan

Honorable Mona K. Majzoub, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Matthew Krupa, being duly sworn, depose and state the following:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) in Detroit, Michigan and I am assigned to the Violent Crime Task Force. My duties include the investigation of federal crimes of violence including assault and weapons violations.
2. I make this affidavit from personal knowledge based on my participation in this investigation, including witness interviews by myself and/or other law enforcement officers, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause, and does not contain all details or all facts, which exist pertaining to this investigation.
3. On 6 November, 2013, at approximately 9:45 p.m., members of the Detroit Violent Crime Task Force initiated surveillance in the area of 8XX Lynhaven Court, Rochester Hills, Michigan. The surveillance was related to a Detroit Police Department Homicide investigation with multiple victims, and the target of the surveillance was Larry O'Neil Walker II.
4. During surveillance, Task Force Officers and Agents observed two separate white passenger vehicles leave the residence. They were observed driving in the area of Rochester Road and Avon Road in the City of Rochester Hills, Michigan. The vehicles stopped briefly at several locations to include gas stations and closed restaurants, without exiting the cars. The two then drove in tandem for a period of time. The vehicles were believed to be occupied by female associates of Larry Oneil Walker and were observed talking on what appeared to be cell phones.
5. By approximately 12:20 a.m., on 7 November, 2013, Task Force Officers and Agents had lost sight of one white vehicle. They observed the second parked at 8XX Lynhaven Court, Rochester Hills, Michigan. At that time, Federal Bureau of Investigation Task Force Officer (TFO) Scott Herzog, who was a member of the surveillance team, was parked in an unmarked surveillance vehicle at the Outback Steakhouse at 1880 South Rochester Road, Rochester Hills, Michigan.

6. TFO Herzog observed a blue Chrysler minivan, later determined to bear Michigan License Plate CLE 1867, approach his vehicle in the parking lot. TFO Herzog attempted to exit the parking lot at which time the driver of the van attempted to block his path by driving toward TFO Herzog's vehicle. The driver of van then drove his vehicle toward the driver's side of Herzog's vehicle. Fearing for his safety, TFO Herzog was able to evade contact and pulled onto Rochester Road, heading north.

7. As TFO Herzog drove north on Rochester Road, he requested assistance via radio from other members of the Violent Crime Task Force as the driver of the van pursued and attempted to ram the rear bumpers and rear quarter panels of TFO Herzog's vehicle. Continuing to fear for his safety, TFO Herzog was again forced to evade contact by accelerating to 80 mph. The driver of the van continued to pursue TFO Herzog North on Rochester Road, veering toward TFO Herzog's vehicle between six and eight more times before other TFO's and agents arrived to assist. Based on TFO Herzog's training and experience, he believed that if he would have allowed the driver of the van to pull beside him, the van would have rammed his vehicle to incapacitate him. On at least one occasion, TFO Herzog was forced to move his vehicle into the center lane of Rochester Road to avoid contact.

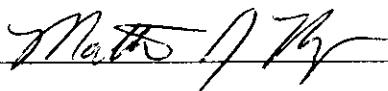
8. As TFO Herzog approached the Clinton River overpass on Rochester Road, near the intersection of South Street, other TFO's and Agents arrived to assist. TFO Herzog then activated emergency blue and red flashers located on the rear deck of his unmarked vehicle, and slowed to a stop. The driver of the van, who was behind Herzog's vehicle, then drove forward and towards TFO Herzog's driver side door.

9. At that time other TFO's attempted to box the van in from the rear. The van began to reverse towards the other TFO vehicles. TFO Herzog then exited his vehicle with his badge plainly in sight, and identified himself as a Police Officer. TFO Herzog began to give verbal commands, ordering the driver of the van to stop and place his hands in the air. The driver continued to reposition the van to drive off and yelled out, "I don't fucking care if you are the police, no one chases my mamma."

10. TFO Herzog then was able to gain control of the driver and removed him from the van. While conducting a pat down for weapons, TFO's and Agents observed that the driver, then identified as Larry O'Neil Walker II, was wearing a bullet proof vest.

11. At all times relevant to these events, Officer Scott Herzog was a federally deputized Task Force Officer of the Federal Bureau of Investigation and the FBI Violent Crimes Task Force and was engaged in the performance of his official duties.

12. Affiant believes there is probable cause that in light of the facts and circumstances described above, in the Eastern District of Michigan, LARRY O'NEIL WALKER II, knowingly, and by means of a dangerous weapon, to-wit: an automobile, did forcibly assault, resist, oppose, impede, intimidate and interfere with Scott Herzog, a task force officer employed by the Federal Bureau of Investigation, with the intent to commit another felony, that is, felonious assault, while Scott Herzog was engaged in his official duties, in violation of Title 18, United States Code, Section 111(a) and (b).



Matthew Krupa, Special Agent and Affiant
Federal Bureau of Investigation

Subscribed and sworn to before me

This 8th day of November, 2013



Hon. Mona Majzoub

United States Magistrate Judge

Eastern District of Michigan